

BEFORE THE STATE ENGINEER OF THE STATE OF UTAH

IN THE MATTER OF CHANGE APPLICATION )

MEMORANDUM DECISION

NUMBER 61-1602 (a17490) )

Change Application Number 61-1602 (a17490), in the names of Carlos E. and Betty Wilson, was filed on July 13, 1993, to change the point of diversion place of use nature of use of 0.0099 cfs or 0.9 acre-foot of water. Heretofore, the water has been diverted from Ipson Creek, and used for the irrigation of 0.30 acre in the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 29; E $\frac{1}{2}$ NE $\frac{1}{4}$  of Section 32; NW $\frac{1}{4}$  of Section 33, T35S, R7W, SLB&M.

Hereafter, it is proposed to divert 0.0099 cfs or 0.9 acre-foot of water from underground water wells, located; (1) North 1000 feet and West 1000 feet, a six inch well, 100 feet to 200 feet deep; (2) North 100 feet and West 2300 feet both from the SE Corner of Section 26, T35S, R8W, SLB&M, an eight inch well, 100 feet to 300 feet deep, to be used for the domestic purposes of two families in the SW $\frac{1}{4}$ SE $\frac{1}{4}$  of Section 26, T35S, R8W, SLB&M.

The application was advertised in The Garfield County News from August 5, 1993, to August 19, 1993, and was not protested.

A field examination of this proposed change was conducted by a representative of the State Engineer and based on this examination it is the opinion of the State Engineer that the applicant has a valid water right with which to make this change and that an irrigation duty of 2.0 acre-feet of water per acre of land is a realistic figure considering the location of the land. The return flow pattern should not be significantly altered as a result of this change considering the location and new use of the recreational development.

It is, therefore, **ORDERED** and Change Application Number 61-1602 (a17490) is hereby **APPROVED** subject to prior rights and with the following conditions:

- 1) The amount of water diverted by the applicant from the well shall be limited to 0.90 acre-foot annually.
- 2) The applicant shall install a permanent totalizing meter on the well which shall be made available for inspection and regulation at all times to the State Engineer or his representative.
- 3) All costs incurred by this change shall be borne by the applicant.

This Decision is subject to the provisions of Rule R655-6-17 of the Division of Water Rights and to Sections 63-46b-13 and 73-3-14 of the Utah Code Annotated, 1953, which provide for filing either a Request for Reconsideration with the State Engineer or an appeal with the appropriate District Court. A Request for Reconsideration must be filed with the State Engineer within 20 days of the date of this Decision. However, a Request for Reconsideration is not a prerequisite to filing a court appeal. A court appeal must be filed within 30 days after the date of this Decision; or if a Request for Reconsideration has been filed, within 30 days after the date the Request for Reconsideration is denied. A Request for Reconsideration is considered denied when no action is taken 20 days after the Request is filed.

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Dated this 15th day of April, 1994.

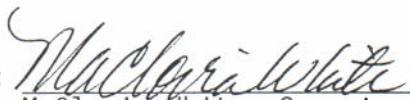
  
Robert L. Morgan, P.E., State Engineer

RLM:KF:mw

Mailed a copy of the foregoing Memorandum Decision this 15th day of April, 1994,  
to:

Carlos E. and Betty Wilson  
Thomas B. McCormick (POA)  
1055 East 900 South #55  
St George, UT 84770

✓ Ray J. Owens  
River Commissioner  
280 North 100 East  
Joseph, UT 84729

BY:   
Maclovio White, Secretary